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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,285	09/07/1999	DOUGLAS W. KING	5932.1	8358

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EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/391,285

Applicant(s)
King

Examiner
Nga B. Nguyen

Art Unit
3628



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 16, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-9, and 11-38 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, and 11-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on October 16, 2001, which paper has been placed of record in the file.
2. Claims 1, 3-9, and 11-38 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 1, 3-9, and 11-38 have been fully considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 22-26, 32 and 36 are rejected under 35 U.S.C. 112, first paragraph, because the claims are effectively single "means" claims. *See Fiers v. Revel*, (CAFC) 25 USPQ2d 1601, 1606 (1/19/1993), where the CAFC affirmed a rejection under 35 USC 112 of a claim reciting a single element that did not literally use "means-plus-function" language.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-9, and 11-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gottfried, U.S. Patent No. 6,270,011 in view of Keathley et al, U.S. Patent No. 6,247,129.

Regarding to claim 1, Gottfried discloses a method for making purchases over a computer network using an account number that identifies a consumer's account from which funds will be withdrawn to pay a purchase price and an authorization data associated with account number which, when used with account number, enable withdrawal of funds from account, method comprising the steps of:

transmitting account number over network from a consumer location to an on-line merchant location (column 8, lines 8-13 and column 6, lines 16-20);

forwarding account number over network from on-line merchant location to a third party contractor location (column 8, lines 13-15);

transmitting a query for authorization data over network from third party contractor location to consumer location (column 9, lines 7-14);

transmitting authorization data over network from consumer location to third party contractor location, bypassing on-line merchant location (column 9, lines 14-17); and

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after account number and authorization data are received at third party contractor location, verifying the validity of account number and authorization data (column 6, line 65-column 7, line 15).

However, Gottfried teaches the authorization data is the fingerprint, instead of a number. Keathley teaches the authorization data is a number (column 6, lines 47-67 and column 8, lines 56-67). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Gottfried's in view of Keathley's for the purpose of cost saving because the existing credit card reader does not need to integrate the PEFS module to obtain the fingerprint data (see Gottfried, column 7, lines 32-33), the existing credit card reader has the keypad so the consumer can enter the authorization number such as PIN or password and transmit it directly to the card issuer for verify the authenticity of the credit card, bypassing the merchant as teaching by Keathley's.

Regarding to claim 3, Gottfried further discloses account number and authorization data are transmitted over network via encrypted connection (column 9, lines 27-29).

Regarding to claim 4, Gottfried further discloses network is the Internet (column 8, lines 8-15).

Regarding to claims 5,7, Gottfried does not teach checking at third party contractor location whether account has sufficient funds to cover purchase price and transmitting a signal from third party contractor location to on-line merchant location indicating whether there are sufficient funds in account to cover purchase price. Official notice is taken that it is well known

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in the art for the credit card issuer to check the funds against the consumer's credit card account every time the consumer uses the credit card to purchase a product from a merchant. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the feature above with Gottfried's in order to ensure the consumer's account has enough funds to cover the purchase price.

Regarding to claim 6, Gottfried further discloses transmitting a signal from third party contractor location to on-line merchant location indicating whether account number and authorization data are valid (column 7, lines 10-22).

Regarding to claim 8, Gottfried further discloses transmitting a signal from on-line merchant location to consumer location indicating whether purchase has been authorized (column 22-25).

Regarding to claim 27, Keathley discloses account number is an ATM card number and authorization number is a PIN associated with ATM card number (column 4, lines 13-16). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the ATM card in Gottfried's for the purpose of providing more convenient for the consumer when using the ATM card to conduct the purchase transaction because the money is withdrawn directly from the consumer's bank account.

Regarding to claim 28, Gottfried further discloses consumer location is a consumer computer, on-line merchant location is an on-line merchant computer, and third party contractor location is a third party contractor computer (figure 6, items 50, 52, 54).

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Claims 9, 11-16, 29 are system claims that are parallel the limitations found in claim 1, 3-8, 27, 28, as discussed above, therefore, are rejected by the same rationale.

Claims 17-21, 30, 31 have similar limitations found in claims 1, 3-8, 27, 28, as discussed above therefore, are rejected by the same rationale.

Claims 22-26, 32 are system claims that are parallel the limitations found in claims 17-21, 30, therefore, are rejected by the same rationale.

Claims 33, 34, 35, 36 have similar limitations found in claims 1, 4, 27, 9, 17, 22, as discussed above, therefore, are rejected by the same rationale.

Claims 37, 38 are written in means that are parallel the limitations found in claims 1, 17 as discussed above, therefore are rejected by the same rationale.

Conclusion

8. Claims **1, 3-9**, and **11-38** are rejected.

9. The prior arts made of record to support the Examiner Official notice:

(see form PTO-892 for the prior arts listed)

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 8:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on (703)308-0505.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-1113.

11. Any response to this action should be mail to:

Commissioner of Patents and Trademarks

c/o Technology Center 3600

Washington, D.C. 20231

or faxed to:

(703) 305-7687, (for formal communications intended for entry)

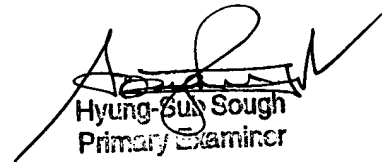
or:

(703) 308-3961 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen
December 3, 2002


Hyung-Sun Sough
Primary Examiner